

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RICKKE LEON GREEN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-05-1290-L
)	
JOHN W. WHETSEL, Sheriff, and)	
THE OKLAHOMA COURT OF)	
CRIMINAL APPEALS,)	
)	
Respondents.)	

ORDER

This matter is before the court for review of the December 16, 2005 Report and Recommendation entered by United States Magistrate Judge Robert E. Bacharach in this habeas action. Petitioner seeks a writ of habeas corpus on the grounds that the involvement of the assistant district attorney in this case is unlawful. The Magistrate Judge recommends that the court deny petitioner's requests for: (1) issuance of a writ of habeas corpus based on the assistant district attorney's involvement, and (2) leave to pursue the issue in the Tenth Circuit Court of Appeals [Doc. No. 17].

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limits allowed. Accordingly, and upon review of the thoughtful and well-reasoned conclusions of the Magistrate Judge with respect to these issues, the court finds that the Report and

Recommendation, which only partially resolves all of the matters referred to the Magistrate Judge, should be and is hereby adopted in its entirety.

In accordance with the partial Report and Recommendation of the Magistrate Judge, petitioner's requests for: (1) issuance of a writ of habeas corpus based on the assistant district attorney's involvement, and (2) leave to pursue the issue in the Tenth Circuit Court of Appeals **[Doc. No. 17]** are **DENIED**. In light of this order, petitioner's Application for Order Giving Respondent Opportunity to Submit a Reply to Petitioner's Response **[Doc. No. 25]** is **DENIED**.

It is so ordered this 30th day of January, 2006.



TIM LEONARD
United States District Judge